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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,222	06/23/2006	Takehisa Iwama	292353USOX PCT	1696
22850	7590	07/08/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER POLANSKY, GREGG	
			ART UNIT 1611	PAPER NUMBER
			NOTIFICATION DATE 07/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

1. The amendment filed on 4/02/2008, canceling all claims drawn to the elected invention and presenting new claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The new claims are not readable on the elected invention because newly submitted Claims 6-13 are directed to inventions that lack unity with the invention originally presented. Originally submitted Claims 1-5 are drawn to a composition comprising a compound according to formula (I) of instant Claim 1. Newly submitted Claims 6-9 are drawn to a method of treating neutrophilia in a subject in need thereof, comprising administration of a compound represented by formula (I) of Claim 6. Newly submitted Claims 10-13 are drawn to a method of treating chronic obstructive pulmonary disease in a subject in need thereof, comprising administration of a compound represented by formula (I) of Claim 10. The common technical feature linking Claims 1-13 is a compound of instant formula (I). Since compounds according to formula (I) are known in the art (see for example, previous Office Action, Egi et al., U.S. Patent 6,284,758), they are not a "special" technical feature and the claims, therefore, lack novelty.

Since Applicants have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 6-13 are directed to a nonelected invention. See 37 CFR 1.142(b) and MPEP § 821.03. **The amended claim set has not been entered.**

Art Unit: 1614

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Polansky whose telephone number is (571)272-9070. The examiner can normally be reached on Mon-Thur 9:30 A.M. - 7:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregg Polansky/
Examiner, Art Unit 1611

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614